THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11018 OF 2002

DATED: 04-7-2007

Between:

K. Hanmantha Rao

.. Petitioner

and

The Cooperative Sub-Registrar/Arbitrations & Executions No.IV, Karimnagar District Coop. Central Bank Ltd., Karimnagar and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.11018 OF 2002

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondents in seizing the tractor of the petitioner along with trailor bearing Registration Nos. AP 15 T 1708 and AP 15 T 1709 respectively on 14.6.2002 basing on the final certificate issued by the 1st respondent in Case No.22/2000-2001, dated 18.12.2000, without giving any reasonable time to the petitioner to pay the balance loan amount, as arbitrary and illegal.

Under the impugned certificate, dated 18.12.2000, issued by the 1st respondent under Section 71 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'), a liability of Rs.69,470/-(Rs.53,588/- towards principal + Rs.15,882/- towards interest) was fastened on the petitioner. While so, the grievance of the petitioner is that before issuing the said certificate, no reasonable time was given to him to pay the due amount and his tractor and trailor were seized.

However, it is brought to the notice of this Court that in pursuance of the interim order passed by this Court on 21.06.2002, the tractor and trailor were released on deposit of Rs.10,000/- by the petitioner. Further, in view of the order passed on 04.7.2002, the petitioner further paid an amount of Rs.5,000/-.

In view of the above, the petitioner is directed to deposit the remaining amount within a period of four months from today and the respondents are directed not to give effect to the impugned certificate

till such time.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

C.V. RAMULU, J

4th July, 2007.

Note:-

Issue order copy
by tomorrow.

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